

Michael J. Carreira - mcarreira@dhill-law.com
Direct Dial: (860) 657-1018

November 6, 2020

Via E-Mail

Honorable Michael P. Shea
District Court of Connecticut
United States Courthouse
450 Main Street
Hartford, Connecticut 06103
Amy.Constantine@ctd.uscourts.gov

Re: **Dr. Neelu Pal v. Mark Canepari, et al.**
Civil Action No. 3:20-CV-00013 (MPS)

Dear Judge Shea:

Following a conference call on November 4, 2020, this position letter is being submitted to Your Honor regarding ongoing disputes between the parties. Enclosed herewith, is a Local Rule 37(a) Affidavit. The undersigned represents the Defendants who are best characterized as the Ambulance Defendants. The disputes are encapsulated by Plaintiff's statements in her Motion for Protective Order filed as Document 63. In response thereto:

1. The Ambulance Defendants do take issue with Plaintiff's claim that she complied with discovery requested by the Police Defendants. In support of her position, Plaintiff submitted Document 63-2 with redactions. Therein, it is obvious from Plaintiff's own cover letter that copies of discovery were only sent to the Police Defendants. It is clear from Plaintiff's submission that she never provided the Ambulance Defendants with copies of that discovery compliance or production of documents and materials. This has been brought to the attention of Plaintiff and she has not yet responded or acknowledged this point. Therefore, she must be ordered to provide copies of the same compliance to the Ambulance Defendants without redactions. She must be ordered to do so within fourteen days or a reasonable time after an order from this Court, whichever Your Honor desires.
2. Also, upon information and belief, all Defendants share a similar concern that Plaintiff's attempts to deliver discovery materials back in July were unsuccessful and cannot be tracked or fully verified. Moving forward, the undersigned has offered Plaintiff the option to deliver discovery materials electronically to the

email at the top of this letterhead. Plaintiff has not responded as of yet. If this option is unacceptable to Plaintiff, then given the issues with non-delivery of prior discovery materials, Plaintiff should be ordered to deliver all discovery materials with courier tracking and signature confirmation upon delivery.

3. Plaintiff's Motion to compel an answer to the Fourth Amended Complaint lacks merit. The Ambulance Defendants have pending dispositive motions that need to be decided before an answer is filed. The outcome to those motions may or may not narrow the issues that need to be answered in the Fourth Amended Complaint by the Ambulance Defendants. The Ambulance Defendants should not be forced to answer a complaint if it fails to state a claim entirely; or one or more claims therein. Furthermore, Plaintiff has not submitted any evidence to Your Honor that Mr. Bryson has evaded service of process.
4. Plaintiff was allowed to participate in preparing a Rule 26(f) report. The parties were unable to agree on deadlines. Therefore, on March 11, 2020, alternative versions of a Rule 26(f) Report were filed with the Court as Document 28. No further action was taken.

Thank you for your time and consideration. We look forward to your guidance and future orders on these disputed matters.

Very Truly Yours,



Michael J. Carreira, Esq.

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

NEELU PAL,
Plaintiff

: CIVIL ACTION
: NO. 3:20-CV-00013 (MPS)
:

V.

:

MARK CANEPARI, ET AL.
Defendants

:
: NOVEMBER 6, 2020

LOCAL RULE 37(a) AFFIDAVIT


The undersigned, having been duly sworn, hereby deposes and says that:

1. I am over 18 years of age and understand and believe in the obligations of an oath.

2. I am employed as a litigation attorney with the law firm of David G. Hill & Associates, LLC, and as counsel for the collective Defendants known as the Ambulance Defendants I have personal knowledge of the facts recited herein.

3. I have attempted to confer with Plaintiff in an effort in good faith to resolve by agreement the issues raised by her Motion for Protective Order dated November 3, 2020, without the intervention of the Court, and have been unable to reach such an agreement.

4. One issue raised by the Motion has been resolved by agreement. The Ambulance Defendants no longer have an issue with missing responses to Requests for Admissions filed upon Plaintiff. Plaintiff's compliance was filed as Document 63-3. It contains a cover letter dated July 19, 2020. This was never received by the undersigned at that time, but in this instance it will be accepted at face value that delivery was attempted on or about July 19, 2020.



Michael J. Carreira, Esq.

STATE OF CONNECTICUT)
) ss.
COUNTY OF HARTFORD)

Personally appeared before me, on this 6th day of November, 2020, Michael J. Carreira, Esq., known to me or satisfactorily proven to me to be the subscriber of the foregoing instrument, who made solemn oath and swore that the statements and representations contained herein are true and accurate to the best of her knowledge and belief.



Notary Public
Commissioner of the Superior Court